

HF 2437 (LSB 5263HZ (~~2~~5) 86)

~~HOUSE FILE 2437~~

~~BY COMMITTEE ON WAYS AND MEANS~~

~~(SUCCESSOR TO HF 2383)~~

~~(SUCCESSOR TO HSB 615)~~

~~(As Amended and Passed by the House 2016-03-23)~~

A BILL FOR

~~An Act relating to matters under the purview of the department of transportation,
providing fees, and making penalties applicable.~~

RELATING TO MATTERS UNDER THE PURVIEW OF THE DEPARTMENT OF TRANSPORTATION,
PROVIDING FEES, AND MAKING PENALTIES APPLICABLE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

DIVISION I
AUTOCYCLES

Section 1. Section 321.1, Code 2016, is amended by adding the following new subsection:

NEW SUBSECTION. 06A. "Autocycle" means a three-wheeled motor vehicle originally designed with two front wheels and one rear wheel, a steering wheel rather than handlebars, no more than two permanent seats that do not require the operator or a passenger to straddle or sit astride the vehicle, and foot pedals that control the brakes, acceleration, and clutch, where applicable. A motor vehicle meeting the definition of "autocycle" is an autocycle even if the vehicle bears a vehicle identification number, or is accompanied by a manufacturer's certificate of origin, that identifies the vehicle as a motorcycle.

Sec. 2. Section 321.1, subsection 40, paragraph a, Code 2016, is amended to read as follows:

a. "Motorcycle" means every motor vehicle having a saddle or seat for the use of the rider and designed to travel on not more than three wheels in contact with the ground including a motor scooter but excluding a tractor, an autocycle, and a motorized bicycle.

Sec. 3. Section 321.34, subsection 1, Code 2016, is amended to read as follows:

1. *Plates issued.* The county treasurer upon receiving application, accompanied by proper fee, for registration of a vehicle shall issue to the owner one registration plate for a motorcycle, motorized bicycle, autocycle, truck tractor, trailer, or semitrailer and two registration plates for every other motor vehicle. The registration plates, including special registration plates, shall be assigned to the owner of a vehicle. When the owner of a registered vehicle transfers or assigns ownership of the vehicle to another person, the owner shall remove the registration plates from the vehicle. The owner shall forward the plates to the county treasurer where the vehicle is registered or the owner may have the plates assigned to another vehicle within thirty days after transfer, upon payment of the fees required by law. The owner shall immediately affix registration plates retained by the owner to another vehicle owned or acquired by the owner, providing the owner complies with section 321.46. The department shall adopt rules providing for the assignment of registration plates to the transferee of a vehicle for which a credit is allowed under section 321.46, subsection 6.

Sec. 4. Section 321.34, subsection 5, paragraph a, Code 2016, is amended to read as follows:

a. Upon application and the payment of a fee of twenty-five dollars, the director may issue to the owner of a motor vehicle registered in this state or a trailer or travel trailer registered in this state, personalized registration plates marked with up to seven initials, letters, or combination of numerals and letters requested by the owner. However, personalized registration plates for autocycles, motorcycles, and motorized bicycles shall be marked with no more than six initials, letters, or combinations of numerals and letters. Upon receipt of the personalized registration plates, the applicant shall surrender the regular registration plates to the county treasurer. The fee for issuance of the personalized registration plates shall be in addition to the regular annual registration fee.

Sec. 5. Section 321.34, subsection 8, paragraph a, Code 2016, is amended to read as follows:

a. The owner of a motor vehicle subject to registration under section 321.109, subsection 1, autocycle, motorcycle, trailer, or motor truck who has been awarded the medal of honor may, upon written application to the department, order special registration plates which shall be red, white, and blue in color and shall bear an emblem of the medal of honor and an identifying number. Each applicant applying for special registration plates under this subsection may order only one set of

registration plates under this subsection. The application is subject to approval by the department and the special registration plates shall be issued at no charge to the applicant in exchange for the registration plates previously issued to the person. A person who is issued special plates under this subsection is exempt from payment of any annual registration fee for the motor vehicle bearing the special plates. The department shall validate the special plates in the same manner as regular registration plates are validated under this section. The department shall not issue special registration plates until service organizations in the state have furnished the department either the special dies or the cost of the special dies necessary for the manufacture of the special registration plate.

Sec. 6. Section 321.34, subsection 8A, paragraph a, Code 2016, is amended to read as follows:

a. The owner of a motor vehicle subject to registration under section 321.109, subsection 1, autocycle, motorcycle, trailer, or motor truck who was a prisoner of war during a time of military conflict may, upon written application to the department, order only one set of special registration plates with an ex-prisoner of war processed emblem. The emblem shall be designed by the department in cooperation with the adjutant general and shall signify that the owner was a prisoner of war as described in this subsection. The application is subject to approval by the department, in consultation with the adjutant general. The special plates shall be issued at no charge and are subject to an annual registration fee of fifteen dollars. The county treasurer shall validate the special plates in the same manner as regular registration plates are validated under this section.

Sec. 7. Section 321.34, subsection 11, paragraph a, Code 2016, is amended to read as follows:

a. Upon application and payment of the proper fees, the director may issue natural resources plates to the owner of a motor vehicle subject to registration under section 321.109, subsection 1, autocycle, motor truck, motor home, multipurpose vehicle, motorcycle, trailer, or travel trailer.

Sec. 8. Section 321.34, subsection 11A, paragraph a, Code 2016, is amended to read as follows:

a. Upon application and payment of the proper fees, the director may issue "love our kids" plates to the owner of a motor vehicle subject to registration under section 321.109, subsection 1, autocycle, motor truck, motor home, multipurpose vehicle, motorcycle, trailer, or travel trailer.

Sec. 9. Section 321.34, subsection 11B, paragraph a, Code 2016, is amended to read as follows:

a. Upon application and payment of the proper fees, the director may issue "motorcycle rider education" plates to the owner of a motor vehicle subject to registration under section 321.109, subsection 1, autocycle, motor truck, motor home, multipurpose vehicle, motorcycle, trailer, or travel trailer.

Sec. 10. Section 321.34, subsection 12, paragraphs a and d, Code 2016, are amended to read as follows:

a. The owner of a motor vehicle subject to registration pursuant to section 321.109, subsection 1, autocycle, motor truck, motor home, multipurpose vehicle, motorcycle, trailer, or travel trailer may, upon written application to the department, order special registration plates with a distinguishing processed emblem as authorized by this section or as approved by the department. The fee for the issuance of special registration plates is twenty-five dollars for each vehicle, unless otherwise provided by this section, which fee is in addition to the regular annual registration fee. The county treasurer shall validate special registration plates with a distinguishing processed emblem in the same manner as regular registration plates, upon payment of five dollars in addition to the regular annual registration fee.

d. A special registration plate issued for a motorcycle, autocycle, or motorized bicycle under this section shall be designated in the manner provided for personalized registration plates under subsection 5, paragraph "a".

Sec. 11. Section 321.34, subsection 15, paragraph a, Code 2016, is amended to read as follows:

a. The owner of a motor vehicle subject to registration under section 321.109, subsection 1, autocycle, motorcycle, trailer, or motor truck who has been awarded the legion of merit shall be issued one set of special registration plates with a legion of merit processed emblem, upon written application to the department and presentation of satisfactory proof of the award of the legion of merit as established by the Congress of the United States. The emblem shall be designed by the department in cooperation with the adjutant general and shall signify that the owner was awarded the legion of merit. The application is subject to approval by the department, in consultation with the adjutant general. The special plates shall be issued at no charge and are subject to an annual registration fee of fifteen dollars. The county treasurer shall validate the special plates in the same manner as regular registration plates are validated under this section.

Sec. 12. Section 321.37, subsections 1 and 2, Code 2016, are amended to read as follows:

1. Registration plates issued for a motor vehicle other than ~~a~~ an autocycle, motorcycle, motorized bicycle, or ~~a~~ truck tractor shall be attached to the motor vehicle, one in the front and the other in the rear. The registration plate issued for ~~a~~ an autocycle, motorcycle, or other vehicle required to be registered hereunder shall be attached to the rear of the vehicle. The registration plate issued for a truck tractor shall be attached to the front of the truck tractor. The special plate issued to a dealer shall be attached on the rear of the vehicle when operated on the highways of this state.

2. Registration plates issued for a motor vehicle which is model year 1948 or older, and reconstructed or specially constructed vehicles built to resemble a model year 1948 vehicle or older, other than a truck registered for more than five tons, autocycle, motorcycle, or truck tractor, may display one registration plate on the rear of the vehicle if the other registration plate issued to the vehicle is carried in the vehicle at all times when the vehicle is operated on a public highway.

Sec. 13. Section 321.69, subsection 9, Code 2016, is amended to read as follows:

9. Except for subsections 10 and 11, this section does not apply to motor trucks and truck tractors with a gross vehicle weight rating of sixteen thousand pounds or more, vehicles more than seven model years old, autocycles, motorcycles, motorized bicycles, and special mobile equipment. This section does apply to motor homes. The requirement in subsection 1 that the new certificate of title and registration receipt shall state on the face whether a prior owner had disclosed that the vehicle was damaged to the extent that it was a wrecked or salvage vehicle as defined in section 321.52, subsection 4, paragraph "d", does not apply to a vehicle with a certificate of title bearing a designation that the vehicle was previously titled on a salvage certificate of title pursuant to section 321.52, subsection 4, paragraph "b", or to a vehicle with a certificate of title bearing a "REBUILT" or "SALVAGE" designation pursuant to section 321.24, subsection 4 or 5. Except for subsections 10 and 11, this section does not apply to new motor vehicles with a true mileage, as defined in section 321.71, of one thousand miles or less, unless such vehicle has incurred damage as described in subsection 2.

Sec. 14. Section 321.105A, subsection 2, paragraph c, subparagraph (6), Code 2016, is amended to read as follows:

(6) Vehicles, excluding autocycles, motorcycles, and motorized bicycles, subject to registration in any state when purchased for rental or registered and titled by a motor vehicle dealer licensed pursuant to chapter 322 for rental use, and held for rental for a period of one hundred twenty days or more and actually rented for periods of sixty days or less by a person regularly engaged in the business of renting vehicles, including but not limited to motor vehicle dealers licensed pursuant to chapter 322 who rent automobiles to users, if the rental of

the vehicles is subject to taxation under section 423.2 or chapter 423C.

Sec. 15. Section 321.109, subsection 1, paragraph a, Code 2016, is amended to read as follows:

a. The annual fee for all motor vehicles including vehicles designated by manufacturers as station wagons, 1993 and subsequent model year multipurpose vehicles, and 2010 and subsequent model year motor trucks with an unladen weight of ten thousand pounds or less, except motor trucks registered under section 321.122, business-trade trucks, special trucks, motor homes, motorsports recreational vehicles, ambulances, hearses, autocycles, motorcycles, motorized bicycles, and 1992 and older model year multipurpose vehicles, shall be equal to one percent of the value as fixed by the department plus forty cents for each one hundred pounds or fraction thereof of weight of vehicle, as fixed by the department. The weight of a motor vehicle, fixed by the department for registration purposes, shall include the weight of a battery, heater, bumpers, spare tire, and wheel. Provided, however, that for any new vehicle purchased in this state by a nonresident for removal to the nonresident's state of residence the purchaser may make application to the county treasurer in the county of purchase for a transit plate for which a fee of ten dollars shall be paid. And provided, however, that for any used vehicle held by a registered dealer and not currently registered in this state, or for any vehicle held by an individual and currently registered in this state, when purchased in this state by a nonresident for removal to the nonresident's state of residence, the purchaser may make application to the county treasurer in the county of purchase for a transit plate for which a fee of three dollars shall be paid. The county treasurer shall issue a nontransferable certificate of registration for which no refund shall be allowed; and the transit plates shall be void thirty days after issuance. Such purchaser may apply for a certificate of title by surrendering the manufacturer's or importer's certificate or certificate of title, duly assigned as provided in this chapter. In this event, the treasurer in the county of purchase shall, when satisfied with the genuineness and regularity of the application, and upon payment of a fee of twenty dollars, issue a certificate of title in the name and address of the nonresident purchaser delivering the title to the owner. If there is a security interest noted on the title, the county treasurer shall mail to the secured party an acknowledgment of the notation of the security interest. The county treasurer shall not release a security interest that has been noted on a title issued to a nonresident purchaser as provided in this paragraph. The application requirements of section 321.20 apply to a title issued as provided in this subsection, except that a natural person who applies for a certificate of title shall provide either the person's social security number, passport number, or driver's license number, whether the license was issued by this state, another state, or another country. The provisions of this subsection relating to multipurpose vehicles are effective for all 1993 and subsequent model years. The annual registration fee for multipurpose vehicles that are 1992 model years and older shall be in accordance with section 321.124.

Sec. 16. Section 321.117, Code 2016, is amended to read as follows:

321.117 Motorcycle, autocycle, ambulance, and hearse fees.

For all motorcycles and autocycles the annual registration fee shall be twenty dollars. For all motorized bicycles the annual registration fee shall be seven dollars. When the motorcycle or autocycle is more than five model years old, the annual registration fee shall be ten dollars. The annual registration fee for ambulances and hearses shall be fifty dollars. Passenger car plates shall be issued for ambulances and hearses.

Sec. 17. Section 321.166, subsections 1, 3, and 4, Code 2016, are amended to read as follows:

1. a. Registration plates shall be of metal and of a size not to exceed six inches by twelve inches, except that the size of plates issued for use on autocycles, motorized bicycles, motorcycles, motorcycle trailers, and trailers with an empty weight of two thousand pounds or less shall be established by the department.

b. Trailers with empty weights of two thousand pounds or less may, upon request, be licensed with regular-sized license plates.

3. The registration plate number shall be displayed in characters which shall not exceed a height of four inches nor a stroke width exceeding five-eighths of an inch. Special plates issued to dealers shall display the alphabetical character "D", which shall be of the same size as the characters in the registration plate. The registration plate number issued for autocycles, motorized bicycles, motorcycles, trailers with an empty weight of two thousand pounds or less, and motorcycle trailers shall be a size prescribed by the department.

4. The registration plate number, except on autocycles, motorized bicycles, motorcycles, motorcycle trailers, and trailers with an empty weight of two thousand pounds or less, shall be of sufficient size to be readable from a distance of one hundred feet during daylight.

Sec. 18. Section 322.2, Code 2016, is amended by adding the following new subsection:

NEW SUBSECTION. 1A. "Autocycle" means as defined in section 321.1.

Sec. 19. Section 322.5, subsection 6, paragraph a, unnumbered paragraph 1, Code 2016, is amended to read as follows:

Upon application for and receipt of a temporary permit issued by the department under this subsection, a motor vehicle dealer authorized to sell used motorcycles or autocycles may display, offer for sale, and negotiate sales of used motorcycles or autocycles at a motorcycle rally located in this state that meets all of the following conditions:

Sec. 20. Section 322.5, subsection 6, paragraph b, subparagraph (1), Code 2016, is amended to read as follows:

(1) The person presents the department with a current motor vehicle dealer license valid for the sale of used motorcycles or autocycles at retail in the person's state of residence.

Sec. 21. Section 322.5, subsection 6, paragraph d, Code 2016, is amended to read as follows:

d. A sale of a motorcycle or autocycle at a motorcycle rally shall not be completed and an agreement for the sale of a motorcycle or autocycle shall not be signed at a motorcycle rally. All such sales shall be consummated at the motor vehicle dealer's principal place of business.

Sec. 22. Section 322.36, Code 2016, is amended to read as follows:

322.36 Motorcycle and autocycle dealer business hours.

A person in the business of selling motorcycles or autocycles under chapter 322D is not required to maintain regular business hours at the dealer's principal place of business or other place of business.

Sec. 23. Section 322D.1, subsection 2, Code 2016, is amended to read as follows:

2. "Attachment" means a machine or part of a machine designed to be used on and in conjunction with a farm implement, motorcycle, autocycle, all-terrain vehicle, or snowmobile.

Sec. 24. Section 322D.1, Code 2016, is amended by adding the following new subsection:

NEW SUBSECTION. 2A. "Autocycle" means as defined in section 321.1.

Sec. 25. Section 322D.1, subsection 4, paragraphs b and e, Code 2016, are amended to read as follows:

b. The franchisee is granted the right to offer and sell farm implements, motorcycles, autocycles, all-terrain vehicles, snowmobiles, or related parts or attachments manufactured or distributed by the franchiser.

e. The operation of the franchisee's business is substantially reliant on the franchiser for the continued supply of farm implements, motorcycles, autocycles, all-terrain vehicles, snowmobiles, or related parts or attachments.

Sec. 26. Section 322D.1, subsections 5, 6, and 7, Code 2016, are amended to read as follows:

5. "Franchisee" means a person who receives farm implements, motorcycles, autocycles, all-terrain vehicles, snowmobiles, or related parts or attachments from the franchiser under a franchise and who offers and sells the farm implements, motorcycles, autocycles, all-terrain vehicles, snowmobiles, or related parts or attachments to the general public.

6. "Franchiser" means a person who manufactures, wholesales, or distributes farm implements, motorcycles, autocycles, all-terrain vehicles, snowmobiles, or related parts or attachments, and who enters into a franchise.

7. "Motorcycle" means a motor vehicle as defined in section 321.1 other than an all-terrain vehicle, which has a saddle or seat for the use of a rider and that is designed to travel on not more than two wheels in contact with the ground, but excluding a motorized bicycle or autocycle as defined in section 321.1.

Sec. 27. Section 322D.2, Code 2016, is amended to read as follows:

322D.2 Franchisee's rights to payment.

1. A franchisee who enters into a written franchise with a franchiser to maintain a stock of farm implements, motorcycles, autocycles, all-terrain vehicles, snowmobiles, or related parts or attachments has the following rights to payment, at the option of the franchisee, if the franchise is terminated:

a. One hundred percent of the net cost of new, unused, complete farm implements, motorcycles, autocycles, all-terrain vehicles, snowmobiles, or related attachments, which were purchased from the franchiser. In addition, the franchisee shall have a right of payment for transportation charges on the farm implements, motorcycles, autocycles, all-terrain vehicles, or snowmobiles, which have been paid by the franchisee.

b. Eighty-five percent of the net prices of any repair parts, including superseded parts, which were purchased from the franchiser and held by the franchisee on the date that the franchise terminated.

c. Five percent of the net prices of parts resold under paragraph "b" for handling, packing, and loading of the parts. However, this payment shall not be due to the franchisee if the franchiser elects to perform the handling, packing, and loading.

2. Upon receipt of the payments due under subsection 1, the franchiser is entitled to possession of and title to the farm implements, motorcycles, autocycles, all-terrain vehicles, snowmobiles, or related parts or attachments.

3. The cost of farm implements, motorcycles, autocycles, all-terrain vehicles, snowmobiles, or related attachments and the price of repair parts shall be determined by reference to the franchiser's price list or catalog in effect at the time of the franchise termination.

Sec. 28. Section 322D.3, subsections 7 and 9, Code 2016, are amended to read as follows:

7. A farm implement, motorcycle, autocycle, all-terrain vehicle, or snowmobile which is not in new, unused, undamaged, or complete condition.

9. A farm implement, motorcycle, autocycle, all-terrain vehicle, or snowmobile which was purchased twenty-four months or more prior to the termination of the franchise.

Sec. 29. Section 322D.8, Code 2016, is amended to read as follows:

322D.8 Application ---- motorcycle or autocycle franchise agreements.

The rights under section 322D.2, subsection 1, apply to motorcycle or autocycle franchise agreements in effect on July 1, 1985, which have no expiration date and are continuing agreements, and to those entered into or renewed after July 1, 1985, but only to motorcycles, autocycles, and motorcycle or autocycle attachments and parts purchased after July 1, 1985.

Sec. 30. Section 322G.2, subsection 13, Code 2016, is amended to read as follows:

13. "Motor vehicle" means a self-propelled vehicle purchased or leased in this state, except as provided in section 322G.15, and primarily designed for the

transportation of persons or property over public streets and highways, but does not include mopeds, motorcycles, autocycles, motor homes, or vehicles over fifteen thousand pounds gross vehicle weight rating.

DIVISION II

REPAIRED SALVAGE MOTOR VEHICLES

Sec. 31. Section 321.24, subsection 5, Code 2016, is amended to read as follows:

5. If the prior certificate of title is from another state and indicates that the vehicle was junked, an Iowa junking certificate shall be issued according to section 321.52, subsections 2 and 3. If the prior certificate of title from another state indicates that the vehicle is salvaged and not rebuilt or is a salvage certificate of title, an Iowa salvage certificate of title shall be issued and a "SALVAGE" designation shall be retained on all subsequent Iowa certificates of title and registration receipts for the vehicle, ~~except~~ unless the owner has surrendered the prior certificate of title and a salvage theft examination certificate, as provided under section 321.52, subsection 4, paragraph "b", and the salvage theft examination certificate was properly executed within thirty days of the date the owner was assigned the prior certificate of title. The department may require that subsequent Iowa certificates of title retain other states' designations which indicate that a vehicle had incurred prior damage. The department shall determine the manner in which other states' rebuilt, salvage, or other designations are to be indicated on Iowa titles.

Sec. 32. Section 321.52, subsection 4, paragraph c, Code 2016, is amended to read as follows:

c. A salvage theft examination shall be made by a peace officer who has been specially certified and recertified when required by the Iowa law enforcement academy to do salvage theft examinations. The Iowa law enforcement academy shall determine standards for training and certification, conduct training, and may approve alternative training programs which satisfy the academy's standards for training and certification. The owner of the salvage vehicle shall make the vehicle available for examination at a time and location designated by the peace officer doing the examination. The owner may obtain a permit to drive the vehicle to and from the examination location by submitting a repair affidavit to the agency performing the examination stating that the vehicle is reasonably safe for operation and listing the repairs which have been made to the vehicle. The owner must be present for the examination and have available for inspection the salvage title, bills of sale for all essential parts changed, if applicable, and the repair affidavit. The examination shall be for the purposes of determining whether the vehicle or repair components have been stolen. The examination is not a safety inspection and a signed salvage theft examination certificate shall not be construed by any court of law to be a certification that the vehicle is safe to be operated. There shall be no cause of action against the peace officer or the agency conducting the examination or the county treasurer for failure to discover or note safety defects. If the vehicle passes the theft examination, the peace officer shall indicate that the vehicle passed examination on the salvage theft examination certificate. The permit and salvage theft examination certificate shall be on controlled forms prescribed and furnished by the department. The owner shall pay a fee of ~~thirty~~ thirty five dollars ~~upon completion of~~ at the time the examination is scheduled. The agency performing the examinations shall retain ~~twenty~~ forty dollars of the fee and shall pay five dollars of the fee to the department and five dollars of the fee to the treasurer of state for deposit in the general fund of the state. Moneys deposited to the general fund under this paragraph are subject to the requirements of section 8.60 and shall be used by the Iowa law enforcement academy to provide for the special training, certification, and recertification of officers as required by this subsection.

DIVISION III

SPECIAL MINOR'S DRIVER'S LICENSES

Sec. 33. Section 321.194, Code 2016, is amended to read as follows:

321.194 Special minors' licenses.

1. ~~Driver's license issued for travel to and from school~~ Persons eligible.
Upon certification of a special need by the school board, superintendent of the applicant's school, or principal, if authorized by the superintendent, the department may issue a class C or M driver's license to a person between the ages of fourteen and eighteen years ~~whose~~ if all of the following apply:

a. The person's driving privileges have not been suspended, revoked, or barred under this chapter or chapter 321J during, and ~~who~~ the person has not been convicted of a moving traffic violation or involved in a motor vehicle accident for, the six-month period immediately preceding the application for the special minor's license and who.

b. The person has successfully completed an approved driver education course. However, the completion of a course is not required if the applicant demonstrates to the satisfaction of the department that completion of the course would impose a hardship upon the applicant. The department shall adopt rules defining the term "hardship" and establish procedures for the demonstration and determination of when completion of the course would impose a hardship upon an applicant.

2. Driving privileges.

a. Permitted operations. The driver's license entitles the holder, while having the license in immediate possession, to operate a motor vehicle other than a commercial motor vehicle or as a chauffeur:

(1) During the hours of 5:00 a.m. to 10:00 p.m. over the most direct and accessible route between the licensee's residence and schools of enrollment or the closest school bus stop or public transportation service, and between schools of enrollment, for the purpose of attending duly scheduled courses of instruction and extracurricular activities within the school district of enrollment.

(2) During the hours of 5:00 a.m. to 10:00 p.m. over the most direct and accessible route between the licensee's residence or school of enrollment and a site, facility, or school that is not the ~~student's~~ licensee's school of enrollment for the purpose of participating in extracurricular activities conducted under a sharing agreement with the ~~student's~~ licensee's school of enrollment or conducted at a site or facility designated by the licensee's school district for the accommodation of the school's extracurricular activities, provided the site, facility, or school is within the licensee's school district of enrollment or is within a school district contiguous to the licensee's school district of enrollment.

(3) To a service station for the purpose of refueling, so long as the service station is the station closest to the route the licensee is traveling on under subparagraph (1) or (2).

(4) At any time when the licensee is accompanied in accordance with section 321.180B, subsection 1.

b. Restrictions.

(1) Passengers. Unless accompanied in accordance with section 321.180B, subsection 1, a person issued a driver's license pursuant to this section must limit the number of unrelated minor passengers in the motor vehicle when the licensee is operating the motor vehicle to one. For purposes of this section, "unrelated minor passenger" means a passenger who is under eighteen years of age and who is not a sibling of the driver, a stepsibling of the driver, or a child who resides in the same household as the driver.

(2) Electronic communication devices. A person issued a driver's license under this section shall not use an electronic communication device or an electronic entertainment device while driving a motor vehicle unless the motor vehicle is at a complete stop off the traveled portion of the roadway. This subparagraph does not apply to the use of electronic equipment which is permanently installed in the

motor vehicle or to a portable device which is operated through permanently installed equipment. The department, in cooperation with the department of public safety, shall establish educational programs to foster compliance with the requirements of this subparagraph.

~~e.~~ 3. Certification of need and issuance of license. Each application shall be accompanied by a statement from the school board, superintendent, or principal, if authorized by the superintendent, of the applicant's school. The statement shall be upon a form provided by the department. The school board, superintendent, or principal, if authorized by the superintendent, shall certify that a need exists for the license and that the board, superintendent, or principal authorized by the superintendent is not responsible for actions of the applicant which pertain to the use of the driver's license. Upon receipt of a statement of necessity, the department shall issue the driver's license provided the applicant is otherwise eligible for issuance of the license. The fact that the applicant resides at a distance less than one mile from the applicant's school of enrollment is prima facie evidence of the nonexistence of necessity for the issuance of a license. The school board shall develop and adopt a policy establishing the criteria that shall be used by a school district administrator to approve or deny certification that a need exists for a license. The student may appeal to the school board the decision of a school district administrator to deny certification. The decision of the school board is final. The driver's license shall not be issued for purposes of attending a public school in a school district other than either of the following:

~~(1) a.~~ The district of residence of the parent or guardian of the student.

~~(2) b.~~ A district which is contiguous to the district of residence of the parent or guardian of the student, if the student is enrolled in the public school which is not the school district of residence because of open enrollment under section 282.18 or as a result of an election by the student's district of residence to enter into one or more sharing agreements pursuant to the procedures in chapter 282.

~~d. (1) A person issued a driver's license under this section shall not use an electronic communication device or an electronic entertainment device while driving a motor vehicle unless the motor vehicle is at a complete stop off the traveled portion of the roadway. This subparagraph does not apply to the use of electronic equipment which is permanently installed in the motor vehicle or to a portable device which is operated through permanently installed equipment.~~

~~(2) The department, in cooperation with the department of public safety, shall establish educational programs to foster compliance with the requirements of subparagraph (1).~~

~~2.~~ 4. Suspension and revocation. A driver's license issued under this section is subject to suspension or revocation for the same reasons and in the same manner as suspension or revocation of any other driver's license. The department may also suspend a driver's license issued under this section upon receiving satisfactory evidence that the licensee has violated the restrictions of the license or has been involved in one or more accidents chargeable to the licensee. The department may suspend a driver's license issued under this section upon receiving a record of the licensee's conviction for one violation. The department shall revoke the license upon receiving a record of conviction for two or more violations of a law of this state or a city ordinance regulating the operation of motor vehicles on highways other than parking violations as defined in section 321.210. After a person licensed under this section receives two or more convictions which require revocation of the person's license under this section, the department shall not grant an application for a new driver's license until the expiration of thirty days.

~~3.~~ 5. Citations for violation of restrictions. A person who violates the restrictions imposed under subsection 1, ~~paragraph "a" or "d",~~ 2 may be issued a citation under this section and shall not be issued a citation under section 321.193. A violation of the restrictions imposed under subsection 1, ~~paragraph "a" or "d",~~ 2 shall not be considered a moving violation.

Sec. 34. Section 321.482A, unnumbered paragraph 1, Code 2016, is amended to

read as follows:

Notwithstanding section 321.482, a person who is convicted of operating a motor vehicle in violation of section 321.178, subsection 2, paragraph "a", subparagraph (2), section 321.180B, subsection 6, section 321.194, subsection 1, 2, paragraph ~~"a"~~ "b", subparagraph (2), section 321.256, section 321.257, section 321.275, subsection 4, section 321.276, 321.297, 321.298, 321.299, 321.302, 321.303, 321.304, 321.305, 321.306, 321.307, 321.308, section 321.309, subsection 2, or section 321.311, 321.319, 321.320, 321.321, 321.322, 321.323, 321.324, 321.324A, 321.327, 321.329, 321.333, or 321.372, subsection 3, causing serious injury to or the death of another person may be subject to the following penalties in addition to the penalty provided for a scheduled violation in section 805.8A or any other penalty provided by law:

DIVISION IV

OVERSIZE AND OVERWEIGHT MOTOR VEHICLES

Sec. 35. Section 321E.7, subsection 1, Code 2016, is amended by adding the following new paragraph:

NEW PARAGRAPH. e. Vehicles operating under a permit issued pursuant to section 321E.8, 321E.9, or 321E.9A may have a gross weight not to exceed forty-six thousand pounds on a single tandem axle of the truck tractor and a gross weight not to exceed forty-six thousand pounds on a single tandem axle of the trailer or semitrailer if each axle of each tandem group has at least four tires.

DIVISION V

AIRCRAFT

Sec. 36. Section 328.24, subsection 1, Code 2016, is amended to read as follows:

1. If, during the year for which an aircraft, except ~~nonresident~~ aircraft used for the application of herbicides and pesticides, was registered and the required fee paid, the aircraft is destroyed by fire or accident or junked, and its identity as an aircraft entirely eliminated, or the aircraft is removed and continuously used beyond the boundaries of the state, then the owner in whose name it was registered at the time of destruction, dismantling, or removal from the state shall return the certificate of registration to the department within thirty days and make affidavit of the destruction, dismantling, or removal and make claim for the refund. The refund shall be paid from the general fund of the state.

LINDA UPMEYER

Speaker of the House

PAM JOCHUM

President of the Senate

I hereby certify that this bill originated in the House and is known as House
File 2437, Eighty-sixth General Assembly.

CARMINE BOAL

Chief Clerk of the House

Approved _____, 2016

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TERRY E. BRANSTAD

Governor

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